

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
VS.	§	MAGISTRATE ACTION NO. C-07-516
	§	
ROEL GARCIA,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in his case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(C); and

(2) While the defendant has rebutted the presumption of flight, he has not rebutted the presumption that no condition or combination of conditions will reasonably assure the safety of the community.

The evidence against the defendant is significant. The findings and conclusions contained in the Pretrial Services Report and Addendum are adopted, supplemented by the testimony of the defendant's wife, mother, father, and Agent Farias. The defendant has used drugs at least twice while on bond for a state burglary charge, demonstrating he is either unwilling or unable to comply with court-ordered conditions of release. The Kingsville Police have been called to the defendant's home no fewer than twenty times during the last three years on complaints of violent behavior or threatening behavior by the defendant. The defendant's

wife told a Kingsville police officer that she was afraid of the defendant and that he has choked her and assaulted her son. The pending burglary charge involves the defendant kicking in the neighbor's door in an attempt to find his wife, who was trying to hide from him. All of this evidence, coupled with the allegation that the defendant possessed cocaine in his vehicle during an arrest for the state burglary charge, indicate that the defendant is a poor bond candidate.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 18th day of September, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE